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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,489	04/22/2004	Paul Friedli	16715	6918
43935 7590 04/24/2008 FRASER CLEMENS MARTIN & MILLER LLC 28366 KENSINGTON LANE PERRYSBURG, OH 43551				
EXAMINER TRUONG, THANHNGA B				
ART UNIT 2135		PAPER NUMBER		
NOTIFICATION DATE 04/24/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/829,489

Applicant(s)

FRIEDLI ET AL.

Examiner

Thanhnga B. Truong

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the communication filed on January 22, 2008. Claims 1-18 are pending. Claim 1 has amended by the applicant. At this time, claims 1-18 are still rejected.

Response to Arguments

2. Applicant's arguments filed January 22, 2008, with respect to the rejection(s) of claim(s) 1-18 under **35 USC § 102** have been fully considered but they are not persuasive.

Applicant argues that:

Svensson-Hilford does not recite as in claim 1, (b) detecting the authentication signal associated with the person seeking to use the elevator; (c) checking the authentication signal with at person reference; and (d) providing an identification code in the case of correspondence of the authentication signal and the person reference.

Examiner respectfully disagrees with the applicant and still maintains that:

Svensson-Hilford does teach the claimed subject matter. Notice that claim 1 of the instant application recites (b) detecting the authentication signal with a mobile authentication device. It is not the same as (b) detecting the authentication signal associated with the person seeking to use the elevator, like applicant has mentioned in the arguments toward near the last 5 lines of page 8. At any rate, Svensson-Hilford teaches a card which is the mobile authentication device containing individual data of a user wherein the identification device reads in, receives, or detects the information from the card(column 4, lines 6-8 of Svensson-Hilford). Furthermore, Svensson-Hilford teaches checking the authentication signal with at person reference by checking the user's authorization are the input of an access code by the user via the trip destination input device 14, or the use of biometrics systems to register the user's fingerprint or iris, for example, and transmission of this information to the identification device (column 4, lines 28-32 of Svensson-Hilford), Wherein the user provides the access code or user's fingerprints as part of the identification code for authentication. In addition, a time window of 5 to 10 seconds, for example, is necessary so that the particular

transportation service can be matched unambiguously to the relevant user and then assigned to the relevant account (column 4, lines 37-40 of Svensson-Hilford). Hence, Svensson-Hilford teaches the claimed subject matter.

Svensson-Hilford does not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

The fact that Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

For the above reasons, it is believed that the rejections should be sustained.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the limitation "a mobile authentication device " in step (b) detecting the authentication signal with a mobile authentication device; and "the authentication device" in steps (c) and (d). It is not clear to the examiner that a mobile authentication device in step (b) is the same as the authentication device in step (c) and (d) of claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-6 are depended on claim 1, thus they are rejected with the same rationale applied against claim 1 above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Svensson-Hilford et al (US 6,354,405 B1).

a. Referring to claim 1:

i. Svensson-Hilford teaches a method for security checking or transport of persons by an elevator installation comprising the steps of:

(1) generating at least one authentication signal associated with a person seeking to use the elevator installation (**column 2, line 66 through column 3, line 4 of Svensson-Hilford**);

(2) detecting the at least one authentication signal with a mobile authentication device (**column 4, lines 6-14; lines 28-35 of Svensson-Hilford**);

(3) the authentication device checking the at least one authentication signal with at least one person reference (**column 4, lines 28-35 of Svensson-Hilford**);

(4) in the case of correspondence of the authentication signal and the person reference, the authentication device providing at least one identification code (**column 4, lines 6-14; lines 28-35 of Svensson-Hilford**);

(5) detecting the at least one identification code with a stationary recognition device of the elevator installation (**column 4, lines 6-14; lines 28-35 of Svensson-Hilford**); and

(6) assigning to the identification code one of a predefined travel destination and an input travel destination input at the recognition device by the person (**column 4, lines 6-14; lines 28-35 of Svensson-Hilford**);

b. Referring to claim 2:

i. Svensson-Hilford further teaches:

(1) including supplying the authentication device with electrical power from at least one energy source external to the authentication device (**column 2, lines 30-40 of Svensson-Hilford**).

c. Referring to claim 3:

i. Svensson-Hilford further teaches:

(1) including selecting as the authentication signal a biometric signal being one of a fingerprint, a hand geometry, a facial profile, an iris pattern, a retinal scan, a thermogram, a smell, a voice, a signature and pressing of a button **(column 4, lines 6-14; lines 28-35 of Svensson-Hilford)**.

d. Referring to claim 4:

i. Svensson-Hilford further teaches:

(1) including checking whether at least one user reference exists for the detected identification code **(column 4, lines 28-35 of Svensson-Hilford)**.

e. Referring to claim 5:

i. Svensson-Hilford further teaches:

(1) including comparing the input travel destination with at least one access authorization for generating one of a control signal and an alarm signal **(column 4, lines 28-44 of Svensson-Hilford)**.

f. Referring to claim 6:

i. Svensson-Hilford further teaches:

(1) including comparing the input travel destination with a list of travel destinations of an access authorization for generating one of a control signal and an alarm signal **(column 4, lines 28-65 of Svensson-Hilford)**.

g. Referring to claim 7:

i. Svensson-Hilford teaches a system for security checking or transport of persons by an elevator installation comprising:

(1) a mobile authentication device adapted to be carried by a person, said authentication device detecting an authentication signal of the person and checking whether said authentication signal corresponds with a person reference, said authentication device generating an identification code when said authentication signal corresponds to said person reference **(column 2, line 66 through column 3, line 4; column 4, lines 6-14; lines 28-35 of Svensson-Hilford)**;

(2) a stationary recognition device of the elevator installation for detecting said identification code (**column 2, line 66 through column 3, line 4 of Svensson-Hilford**); and

(3) a checking device connected to said recognition device for assigning to said identification code one of a predefined travel destination and an input travel destination input at said recognition device by the person to generate a control signal for the elevator installation (**column 3, line 55 through column 4, line 35 of Svensson-Hilford**).

h. Referring to claim 8:

i. Svensson-Hilford further teaches:

(1) wherein said authentication device includes a sensor for generating said authentication signal in the presence of the person (**column 2, lines 35-40 of Svensson-Hilford**).

i. Referring to claim 9:

i. Svensson-Hilford further teaches:

(1) wherein said sensor is a camera for detecting at least one of a fingerprint, a hand geometry, a facial profile, an iris profile, a retinal scan and a signature of the person (**column 2, lines 35-40; column 4, lines 28-35 of Svensson-Hilford**).

j. Referring to claim 10:

i. Svensson-Hilford further teaches:

(1) wherein said sensor is one of a thermal camera for detecting a thermogram of the person, a smell sensor for detecting a smell of the person, a microphone for detecting a voice of the person, and a button for detecting pressing of the button by the person (**column 2, lines 35-40; column 4, lines 28-35 of Svensson-Hilford**).

k. Referring to claim 11:

i. Svensson-Hilford further teaches:

(1) wherein said authentication device is adapted to be powered by an external energy source (**column 2, lines 30-40 of Svensson-Hilford**).

l. Referring to claim 12:

i. Svensson-Hilford further teaches:

(1) wherein said authentication device includes a transmitting and receiving unit and said recognition device includes a transmitting and receiving unit for communicating said identification code (**column 4, lines 6-14; lines 28-35 of Svensson-Hilford**).

m. Referring to claim 13:

i. Svensson-Hilford further teaches:

(1) wherein said authentication device includes a data store for storing said person reference and compares said person reference with said authentication signal to generate said identification code (**column 4, lines 6-14; lines 28-44 of Svensson-Hilford**).

n. Referring to claim 14:

i. Svensson-Hilford further teaches:

(1) wherein said authentication device includes a data store for storing said identification code prior to detecting said authentication signal (**column 4, lines 6-14; lines 28-44 of Svensson-Hilford**).

o. Referring to claim 15:

i. Svensson-Hilford further teaches:

(1) wherein said recognition device includes input means for receiving said input travel destination from the person (**column 4, lines 6-14; lines 28-35 of Svensson-Hilford**).

p. Referring to claim 16:

i. Svensson-Hilford further teaches:

(1) wherein said checking device includes a data store for storing said predefined travel destination (**column 4, lines 6-14; lines 28-44 of Svensson-Hilford**).

q. Referring to claim 17:

i. Svensson-Hilford further teaches:

(1) wherein said checking device includes a data store for storing a user reference and compares said user reference with said identification code to generate said control signal (**column 4, lines 6-14; lines 28-44 of Svensson-Hilford**).

r. Referring to claim 18:

i. Svensson-Hilford further teaches:

(1) wherein said checking device includes a data store for storing an access authorization and compares said access authorization with one of said predefined travel destination and said input travel destination to generate said control signal (**column 4, lines 6-14; lines 28-44 of Svensson-Hilford**).

Conclusion

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

a. Weber et al (US 5,679,933) discloses control panels for elevators (see Title). Claims 1-18 of the instant application also read on by Weber's prior art.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and

Art Unit: 2135

phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/

Primary Examiner, Art Unit 2135

TBT

April 19, 2008